



which claimant had retrieved from a pawn shop earlier that day. The weapon discharged as he checked the pistol to determine whether it needed to be cleaned. The evidence establishes that claimant was not authorized to carry a backup weapon. The evidence further establishes that he had requested permission to qualify his 9 millimeter pistol for use in his employment, but the request was denied. Claimant acknowledges in his testimony that the handling of his personal 9 millimeter handgun was not related to the performance of his duties for respondent. The Appeals Board concludes the discharge of the weapon resulted from purely personal activity, was not work related and benefits should, accordingly, be denied.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the July 19, 1994 Award entered by Special Administrative Law Judge William F. Morrissey should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July, 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: David O. Alegria, Topeka, Kansas  
Jeffrey K. Cooper, Topeka, Kansas  
William F. Morrissey, Special Administrative Law Judge  
David A. Shufelt, Acting Director